

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LYNNE FREEMAN,

Plaintiff,

-against-

TRACY DEEBS-ELKENANEY, et al.

Defendants.

Case No. 22-cv-02435 (LLS)(SN)

**DECLARATION OF LYNNE
FREEMAN IN SUPPORT OF HER
MOTION FOR RECONSIDERATION
OF THE COURT'S JUNE 14, 2023
ORDER**

DECLARATION OF LYNNE FREEMAN

I, Lynne Freeman, do hereby declare as follows:

1. I am the plaintiff in the above-captioned matter. I write this statement in support of the motion for reconsideration filed on my behalf regarding the court's order of June 14, 2023. If called as a witness, I could and would competently testify as follows of my personal knowledge:

2. I've brought this lawsuit against the defendants because I strongly believe it is the right thing to do, even though the cost, financially, emotionally, and physically, has been and continues to be exorbitant. To date, this litigation has cost us many hundreds of thousands of dollars in costs and fees and been a huge source of stress, but it is clear what my agent did.

3. Together with my family, we made the very difficult decision to sell our family home and many of our belongings. This home had sentimental value to us as it was two blocks from the home where I grew up and where my son was born. It was in a neighborhood where we built treehouses, had snowball fights, and have many lifelong friends. It was a home where my son could walk to our high school like I did. It was in an area that served as the inspiration for the setting of my story in Alaska. Without the sale of that home, however, we could not afford to litigate this case.

5. The Defendants are a now highly successful author, an agent with a thriving business, and a large publishing house. They appear to have made millions off the *Crave* series. But from what I can tell, they don't have any out-of-pocket expenses as they are insured. If this case is bifurcated, it places a substantially unfair burden on me as an individual. I'm in a David and Goliath situation trying to protect my work. My financial resources are finite; I cannot pay for drawn out litigation nor for the costs associated with two trials.


6. I believe that justice should apply equally and fairly to all. An ordinary person like me should be able to bring a copyright claim for her stolen work, and should have the opportunity to prove what was done. If this case is bifurcated, I may not be able to do that. Quite simply put, I may run out of money.

7. Early in this case, defendants tried to force me to fly to New York to be deposed. My former literary agent, defendant Kim, knows that I have a disability and don't fly on planes for years at a time. Like the heroine of the novels at issue in this case, I suffer from panic attacks due to the trauma of losing family. I have a service dog and had to provide letters from my doctor and psychiatrist to the court. If this case is bifurcated, the burden on me will be double to come to New York to fight for what was stolen from me. I am likely going to need to drive, and that will be a very long way for me to travel.

8. I sincerely hope the court will reconsider its order of June 14, 2023, and allow me to prove my case as it should be done with one trial to cover all claims.

I declare under penalty of perjury that the foregoing is true and correct,

Executed June 20, 2023 at Santa Barbara, CA



Lynne Freeman
Declarant